

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated August 3, 2004, indicated that claims 1-12 are rejected under 35 U.S.C. § 102(e) over *Bechtolsheim et al.* (U.S. Patent No. 6,515,963); claims 13-18 and 20-23 are rejected under 35 U.S.C. § 103(a) over *Bechtolsheim et al.* in view of *Silberschatz et al.* (U.S. Patent No. 6,556,578); claim 19 is rejected under 35 U.S.C. § 103(a) over *Bechtolsheim et al.* in view of *Silberschatz et al.* and further in view of *Aweya et al.* (U.S. Patent No. 6,690,645).

Applicant respectfully traverses each of the prior art rejections (Sections 102(e) and 103(a)) because the Office Action fails to present a reference or combination of references that corresponds to, or in any way addresses the issues of, the claimed invention. The asserted prior art fails to correspond to the instant claims, which are directed to a method and system for managing a queue that is susceptible to unbalanced bandwidth allocation. Generally, this management is addressed by “detecting a matching flow identification . . .” and “mitigating unbalanced bandwidth allocation” *See, e.g.*, claim 1. The cited prior art, *e.g.*, ‘963 reference, fails to teach any such management as claimed and the Office Action does not identify, for example, where even the claimed detection of matching flow identifications is taught. The cited DBL technique in the ‘963 reference is unrelated. The instant Specification discusses examples of the claimed matching flow identifications, for example, at page 6, lines 4-15. Without a presentation of correspondence to each of the claimed limitations, the prior art (Sections 102(e) and 103(a)) rejections cannot be maintained. Accordingly, Applicant requests that each of the rejections be withdrawn.

With particular respect to claim 2, the Office Action fails to assert correspondence to each of the claimed limitations, or identify where the ‘963 reference teaches comparing the flow identification of the recently received incoming packet with the flow identification of the at least one packet selected from a set of outgoing packets. Without an assertion of correspondence,

the Office Action fails to present a *prima facie* rejection and the rejection should be withdrawn.

As each of the independent claims includes limitations similar to those discussed above, the Office Action fails to present a *prima facie* rejection for any of the instant claims. Thus, Applicant requests that each of the rejections be withdrawn.

Consistent with the above discussion, Applicant also traverses the characterization of the art made of record but not relied upon at page 6 in the Conclusion section of the Office Action. However, because this art was not used in connection with any of the rejections, Applicant submits that any such mischaracterization is moot and would require no further discussion.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

By: 

Robert J. Crawford
Reg. No. 32,122

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